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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR        | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|-----------------------------|---------------------|------------------|
| 10/529,545   | 03/29/2005  | Yutaka Inoue                | 1907-0220PUS1       | 7871             |
| 2292 7590 05/19/2008<br>BIRCH STEWART KOLASCH & BIRCH<br>PO BOX 747<br>FALLS CHURCH, VA 22040-0747 |             |                             |                     |                  |
| EXAMINER<br>LOVELL, LEAH S   |             |                             |                     |                  |
| ART UNIT<br>2885   |             | PAPER NUMBER                |                     |                  |
| NOTIFICATION DATE<br>05/19/2008  |             | DELIVERY MODE<br>ELECTRONIC |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

### Office Action Summary

**Application No.**

10/529,545

**Applicant(s)**

INOUE ET AL.

**Examiner**

LEAH S. LOVELL

**Art Unit**

2885

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 42-61 is/are pending in the application.
- 4a) Of the above claim(s) 43-48, 50-58, 60 and 61 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 49 is/are allowed.
- 6) ☒ Claim(s) 42 and 59 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 28 Jan 2008
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 28 January 2008 has been entered.

### ***Response to Arguments***

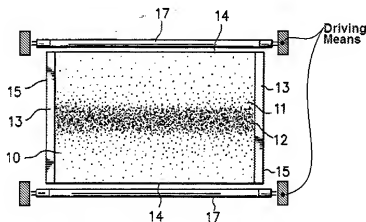
2. Applicant's arguments, see pages 11-12, filed 28 January 2008, with respect to the rejection of claim 42 under 35 U.S.C. § 112, second paragraph have been fully considered and are persuasive. The rejection of 2 November 2007 has been withdrawn.

3. Applicant's arguments filed 28 January 2008 have been fully considered but they are not persuasive. Regarding the arguments beginning on page 16, Applicant asserts that Murase et al. (US 5,178,447) "does not take into consideration the above-mentioned problems [indicated on page 15 of the remarks] involved in making a larger sized backlight unit." The Examiner respectfully disagrees because the advantages, as indicated on page 15 of the Remarks, are not claimed subject matter.

Furthermore, Applicant asserts that Murase provides "no description regarding the position where the driving means is arranged...there is nothing inherent regarding where a driving means is provided." The Examiner, again, respectfully disagrees.

Art Unit: 2885

Clearly driving means are required by the lighting device of Murase because it is a well known fact that fluorescent tubes, like those of Murase, require driving means to power the bulbs. As far as positioning goes, based on the tubing, driving means would be positioned at each end to support—which meets the claim limitations—and provide electrical current to drive the light sources. Figure A has been provided below with driving means added in a position that would be clear to those having ordinary skill in the art.



**FIGURE A: Figure 5 of Murase modified to show clear position of driving means.**

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. As best understood, claims 42 and 59 are rejected under 35 U.S.C. 102(b) as being anticipated by Murase et al. (US 5,178,447).

Regarding claim 42, Murase discloses a backlight unit, comprising:

a plurality of straight tube fluorescent lamps [17; figures 5 and 6] arranged substantially parallel to one another in the longitudinal direction of the fluorescent lamps [figure 5]; and

driving means arranged on one-end sides of the plural fluorescent lamps for driving the plural of fluorescent lamps by applying a high voltage to one-end terminals of the plural fluorescent lamps [Murase does not directly disclose the driving means; however, the lamps have terminals on the ends of the lamps and it is inherent in the art that driving means are required to power electrical features], wherein

brightness compensation means [14, column 4, line 26; 12] are provided for compensating for uneven brightness in the longitudinal direction of the plural fluorescent lamps by decreasing the brightness of the fluorescent lamps on one end side or increasing the brightness of the fluorescent lamps on the other end side or controlling brightness in combination from the both end sides [figure 9; column 6, lines 15-28].

In regard to claim 59, Murase discloses a liquid crystal display device comprising:

the backlight unit of claim 42 [see above]; and

a liquid crystal panel [6] illuminated by the backlight unit [column 3, lines 35-40].

***Allowable Subject Matter***

6. Claim 49 is allowed. Prior art fails to disclose or render obvious a backlight having a reflector portion having two reflective layers wherein the arrangement of the

layers makes up the brightness compensation means. The brightness compensation means having two portions a first portion comprised of both the first and second reflective layers stacked one above the other and a second portion comprised of only the first reflective layer.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Regarding the submitted foreign document submitted on 28 January 2008 by Hirakata et al. (JP 2000-047169), this reference is cited as a backlight unit having a plurality of parallel fluorescent lamps, a driving means, and brightness compensation means.

8. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEAH S. LOVELL whose telephone number is (571)272-2719. The examiner can normally be reached on Monday through Friday 8 a.m. until 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong-Suk (James) Lee can be reached on (571) 272-7044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Leah Lovell  
Examiner  
18 March 2008

/Y M. Lee/  
Primary Examiner, Art Unit 2885

